

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT L. GANOE, SR.,
Plaintiff

v.

**SECRETARY OF DEFENSE LLOYD
J. AUSTIN III,**
Defendant

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No. 1:20-cv-00663

(Judge Kane)

ORDER

AND NOW, on this 8th day of March 2023, upon consideration of Defendant Secretary of Defense Lloyd J. Austin III (“Defendant”)’s motion to compel Plaintiff Robert L. Ganoe (“Plaintiff”)’s compliance with this Court’s Orders (Doc. No. 57), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT**

Defendant’s motion (*id.*) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Defendant’s request for an order compelling Plaintiff to produce discovery in accordance with the Court’s Orders is **GRANTED** to the extent that Plaintiff is directed to provide the following to Defendant within **seven (7) days of the date of this Order**, and **DENIED** in all other respects:
 - a. Signed copies of Plaintiff’s original, signed, and completed Form 1040s, including schedules, that he submitted to the Internal Revenue Service (“IRS”) for the years ending 2018, 2019, 2020, and 2021, with appropriate redactions to prevent the disclosure of his wife’s financial information;¹ and
 - b. Signed authorizations (IRS Form 8821) authorizing Defendant to obtain Plaintiff’s W-2s and 1099s relating to his 2018, 2019, 2020, and 2021 tax returns;
2. Defendant’s request for an order imposing sanctions on Plaintiff is **GRANTED IN PART**, as follows, and **DENIED** in all other respects:

¹ As indicated in the accompanying Memorandum, because the Court is granting Defendant’s request for signed authorizations permitting Defendant to obtain Plaintiff’s W-2s and Form 1099s from the IRS, the Court has permitted Plaintiff to redact information from his tax returns (here, Form 1040s and related schedules) pertaining to his wife even if such redactions prevent the disclosure of joint financial information, but only to that limited extent and no further.

- a. Plaintiff, individually, shall pay to Defendant reasonable attorney's fees incurred by Defendant in connection with Defendant's motion to compel and for sanctions (Doc. No. 57); and
 - b. Defendant may file with the Court, **within twenty (20) days of the date of this Order**, a motion for attorney's fees, along with a detailed summary of the work performed, the time spent in performing such work, and the attorney who performed the work and the hourly rate for each such attorney, solely in connection with the preparation, filing, and briefing of the motion to compel and for sanctions (Doc. No. 57) and the forthcoming motion for attorney's fees;
3. **Any failure by Plaintiff to comply with this Order may result in sanctions including dismissal of this action;** and
 4. Pursuant to the Court's January 18, 2023 Order (Doc. No. 56), the deadlines set forth in the Court's November 9, 2022 Order (Doc. No. 50) are **EXTENDED** by sixty (60) days from the date of this Order.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania